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The RFP



- Contains a statement of Work (SOW) describing the work to be contracted
- Will ask questions of the offeror about qualifications, experience, price, and how they will perform the SOW
- Posted publicly for full and open competition (BuyNet)
- Question and answer process during response period

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The Evaluation



- A Source Selection Committee (SSC) performs an impartial, objective, and comprehensive evaluation of each proposal
 - Balanced appraisal using knowledge expertise
 - Use the evaluation factors/tools
 - Identify strengths and weakness of the proposals
 - Determine the most advantageous proposal, price and other factors considered ... best value to the County
- Seek clarifications, conduct discussions, and request revised proposals as necessary to obtain the best value for the County
- Make an award recommendation

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Role of the Voting Member



- Fully participate in the consensus evaluation, including:
 - Read the proposals
 - Evaluate proposals in accordance with the established procedures and criteria
 - Develop supporting documentation as requested
 - Maintain ethics, integrity, and confidentiality throughout the process

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Role of the Technical Advisors



- Do not score or rank proposals
- Support the Voting Members as requested
 - Advise on programmatic/technical issues
 - Perform analysis
 - Check references, financials
 - Check records (State, federal, County)
 - Note taking or record keeping
 - Maintain ethics, integrity, and confidentiality throughout the process

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SSC Procedures



- Read RFP, including addenda
- Read proposals
- Identify proposal strengths and weaknesses
- Consensus score proposals in accordance with the criteria
- Develop a written SSC Report with recommendations
- Upon SSA concurrence, post Notice of Intent to Award (NOI)
- Negotiate and award

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Evaluation Process



- Consensus evaluation
 - Evaluate each proposal independently using the criteria and standards
 - Provide relevant and detailed comments that support the scoring
 - Develop SSC Report with summary and recommendations.
 - Explanation of why the recommendation is the best value to the County
 - Will become a public document
- Individual preparation for consensus discussions
 - Individual review of the RFP and proposals
 - Make notes (working draft of evaluation tool recommended)
 - Identify strengths, weaknesses, clarifications needed, and items for discussion

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Protests



- The procurement may be protested by disappointed Offerors, in accordance with BOS Policy A-97
- Possible reasons for a protest to be upheld:
 - Failure to follow procedures
 - Misconduct or impropriety
- Follow the process
- Evaluation the proposal according to the Evaluation Criteria
- Maintain ethics and confidentiality

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Conflict of Interest (COI)



- The California Political Reform Act:
 - A consultant, employee of the County, or private individual may be deemed a Public Official if performing action such as advising the County on a course of action to take.
 - In such cases, the individual is subject to the Political Reform Act.
 - You, as a member of the SSC are Public Officials for the purpose of this Act.
- **Section 87100 of the Political Reform Act (PRA):** No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

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Conflict of Interest (COI)



- A public official has a financial interest in a decision ... if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or on any of the following:

- (a) Any business entity in which the public official has a direct or indirect investment worth two thousand dollars (\$2,000) or more.
- (b) Any real property in which the public official has a direct or indirect interest worth two thousand dollars (\$2,000) or more.

(For the purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.)

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Conflict of Interest (COI)



- (c) Any source of income, except gifts or loans by a commercial lending institution made in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in the value provided or promised to, received by, the public official within 12 months prior to the time when the decision is made.
- (d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.
- (e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating [the gift threshold established by the CA Fair Political Practices Commission (\$500 through December 2020)] or more provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made...

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Conflict of Interest (COI)



- Government Code 1090: Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financial interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.
 - California's courts have expanded this section to apply to consultants and contractors hired by the County and who participate in the contracting process, as well as to include members of advisory bodies.
- Therefore:
 - No participation in this SSC if you have a financial interest
 - Offerors may not be awarded a contract if their work helped create a solicitation or requirements for a solicitation.

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Conflict of Interest (COI)



- County Administrative Code Section 67 states: ... the County shall not contract with...
 - (a) Persons employed by the County or of public agencies for which the Board of Supervisors is the governing body;
 - (b) Profit making firms or businesses in which employees described in subsection (a) serve as officers, principals, partners or major shareholders;
 - (c) Persons who, within the immediately preceding twelve (12) months, came within the provisions of subsection (a), and who (1) were employed in positions of substantial responsibility in the area of service to be performed by the contract, or (2) participated in any way in developing the contract or its service specifications; and
 - (d) Profit making firms or businesses in which the former employees described in subsection (c) serve as officers, principals, partners or major shareholders

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Conflict of Interest (COI)



- California Political Reform Act
 - <http://www.fppc.ca.gov/the-law/the-political-reform-act.html>
- Government Code 1090
 - https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=4.&title=1.&part=&chapter=1.&article=4
- San Diego County Administrative Code Article III, Sec. 67
 - http://library.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:sandiegoco_ca_mc

This SSC briefing provides a summary of some applicable rules and laws regarding the conduct of SSC Members. It is not, however, legal advice and if a member believes that they may have a conflict of interest or other legal reason that they cannot serve, they should promptly notify the CO, and as necessary, seek legal advice from their own attorney.

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Confidentiality



- The County has the right to withhold information regarding this procurement until after award, including:
 - Number of proposals received
 - Names of the offeror(s)
 - Competitive technical or pricing information
 - County evaluation or negotiation concerns and strategies
- SSC participants are precluded from releasing any information concerning evaluations to anyone who is not participating in the evaluation, except as specifically allowed for in the process.
 - Process cannot provide an Offeror any unfair advantage. Receiving unequal information can lead to such an advantage.
 - The Offeror knowing who they are competing against, that they are the only Offeror, or that they County favors their proposal weakens the County's position for negotiations.

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Confidentiality



- The voting members of the SSC, TAs, and specified County staff may discuss information related to this process within the SSC only and no one else without approval from DPC
 - Must not share SSC details with co-workers, spouses, neighbors, in-laws, work-out buddies, the stranger on the plane, etc.
 - Must take reasonable precautions to protect physical and/or electronic documents

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